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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA (MODESTO DIVISION)

In re:

LACHHMAN SINGH

Debtors.

) Case No. 11-93304-E-7  
) Chapter 7

) **DC No. TBC-1**

) Date: November 16, 2011  
) Time: 10:30 a.m.  
) Dept: E  
) Location: Modesto

**DEBTORS' MOTION TO COMPEL TRUSTEE TO ABANDON  
PROPERTY OF ESTATE [11 U.S.C. § 554 (B)]; MEMORANDUM OF  
POINTS AND AUTHORITIES**

Debtor, Lachhman Singh (hereinafter "Singh"), by and through his attorneys of record, respectfully ask the Court to make and enter an Order allowing and compelling Gary Farrar, the duly-appointed and acting Trustee in the above-captioned case (hereinafter, "the Trustee") to abandon property of the estate (specifically, a mini mart business operated by debtor Lachhman Singh and known as "Lakeridge Inn"), pursuant to 11 U.S.C. Section 554(b), on the ground that the subject property of the estate is burdensome and/or of inconsequential value and benefit to the Estate. In support of this Motion, Singh respectfully alleges as follows:

1. Mr. Singh commenced this case on September 16, 2011 by filing a voluntary Chapter 7 Petition. Gary Farrar is the duly-appointed and acting Trustee in this case. Mr. Farrar supports the present Motion.

1           2. Mr. Singh owns and operates a mini mart and a nonoperating gas station known as the  
2 Lakeridge Inn. Mr. Singh also lives on the property in a small apartment above the mini mart.  
3 The fixtures of the business are encumbered by a first and second trust deeds on the property  
4 totaling in excess of \$900,000, and the value of the property and fixtures is approximately ½ of  
5 that at \$475,000. The only unsecured portions of the business are the inventory of goods (valued  
6 at \$11,891), business equipment such as cash registers, racks and shelves (valued at \$6,800), and  
7 beer and wine liquor license (valued at \$1,000). For the most part, these assets have been  
8 exempted on Schedule C of Mr. Singh's bankruptcy petition.

9           3. Under these circumstances the "Business" is burdensome and/or of inconsequential  
10 value and benefit to the Estate. The little value that is in the business is exempt and everything  
11 else is encumbered by secured creditors. In addition, the estate is at risk because of underground  
12 gasoline storage tanks. The business has been operating at a loss. It is believed that the Trustee  
13 supports the present Motion under these circumstances.

#### 14           **SUPPORTING MEMORANDUM OF POINTS AND AUTHORITIES**

15           4. 11 U.S.C. Section 554(b) provides that "on request of a party in interest and after  
16 notice and a hearing, the court may order the trustee to abandon any property of the estate that is  
17 burdensome to the estate or that is of inconsequential value and benefit to the estate." See also,  
18 *In re Hyman*, 123 B.R. 342, 347 (9<sup>th</sup> Cir. BAP 1991).

#### 19           **ARGUMENT**

20           5. **THE BUSINESS SHOULD BE ORDERED ABANDONED.** Clearly, the Business  
21 is burdensome and/or of inconsequential value and benefit to the estate. The fixtures of the  
22 business are encumbered by a first and second trust deeds on the property totaling in excess of  
23 \$900,000, and the value of the property and fixtures is approximately ½ of that at \$475,000. The  
24 only unsecured portions of the business are the inventory of goods (valued at \$11,891), business  
25 equipment such as cash registers, racks and shelves (valued at \$6,800), and beer and wine liquor  
26 license (valued at \$1,000). For the most part, these assets have been exempted on Schedule C of  
27 Mr. Singh's bankruptcy petition. The Business is burdensome and/or of inconsequential value  
28 and benefit to the estate. Accordingly, the Court should Order that the Business be abandoned

1 pursuant to Section 554(b).

2 WHEREFORE, the Singh respectfully ask the Court to make and enter an Order that the  
3 Business known as Lakeridge Inn be abandoned pursuant to Section 554(b).

4 **THE BANKRUPTCY CENTER**

5  
6 **Date: 10/24/11**

**/s/ Patrick B. Greenwell**,  
**Patrick B. Greenwell, Attorney for Debtor**